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War Boosts Juvenile Crime in England and Germany.—England just now is wrinkling its brow over the boy problem. The increase in juvenile crime since the outbreak of the war is attracting public attention. There is an epidemic of larceny among youths less than 16 years old.

With so many fathers in the trenches there is an absence of the former parental control. A growing demand for juvenile labor at comparative high prices has given boys more money to spend, and many spend it in a way which brings them trouble. Employers say the youths have the "swelled head" and are "saucy," because if they lose one position they need only go to the place next door and perhaps get higher wages.

Teachers are scarce and in many places shortened school hours give the boys more leisure, which leads to mischief. The darkened streets at night make vandalism safer. Tales brought back from the trenches have filled the lads with an adventurous spirit. And the movies come in for strong censure for leading boys to police courts.

The authorities recently received a letter from a father stating that he had found his boy trying to choke his sister. He had seen a film in which a man choked a woman, the boy explained. Youths often steal to get money to go to the movies, it is said. A board of censors for films is being planned.

Many boys are taking to gambling, the authorities state. In certain places where the boys loaf there is a game in which a dart is thrown at a mark, the thrower being entitled to a prize if he hits the mark. The dart throwing game seems to be a fad.

Another gambling game is known as "Rush" or "Tip It," and is popular in some cafes. An equal number of boys line up on either side of the table. A coin is hidden by one of the "sides" and the boys bet as to which hand it is in. In such places, the authorities say, youths gamble away their wages and sometimes must resort to stealing to get the price of dinner.

One of the great causes of crime in London, the city probation officer declared, was the prevalence of touts, who tempt boys to steal goods, which are sold to street stalls and the poorer classes of shops. For his first theft the boy is paid the promised figure. The second time the boy gets little money, and when he complains, the tout threatens to expose him if he isn't careful. And once in the net the boy, under threats of exposure, must go on stealing for the tout.

The increase of juvenile crime is not peculiar to England. Judging from reports in German newspapers, it is said the epidemic has been worse in Germany than in England. Not only in London has there been an increase, but practically all the towns in which inquiry was made the same condition was found.

In comparing the three months ending February 29, 1916, with the corresponding period twelve months earlier, it was found that in London the number of juveniles charged with punishable offenses had increased from 1,304 to 2,005, in Liverpool from 578 to 702, and in Birmingham from 248 to 402. This return applied to children less than 16 years old. And the preceding year, 1915, also was an abnormal year of war, whose figures were above those for 1914.—London Times, Nov. 8, 1916.

Our Irrational Fining Systems.—Folk lore may be appealed to with as much reliability, perhaps, as legal precedent, in tracing the history of practices

like the fining system. The older inhabitants back in the Kentucky mountains still sing:

"Say Paw, say Paw, have you brung me any gold,
Any gold for to pay my fine?

* * * * *

O you won't love and it's hard to be beloved
And it's hard to make up your crime.
You have broke the heart of many a true love,
True love, but you won't break mine."

—From the Hangman's Song.

There is more assurance, however, in the definite results of study of the use of fines, such as appear in a document¹ recently prepared for the Philadelphia Yearly Meeting of Friends by John E. Orchard. Use of the system was originally no more nor less than a bargain on the part of the person convicted, whereby he arranged to escape punishment or get release from captivity (*finen facere*). Then the fine came to be used as a mode of punishment. The third stage is that of putting people in jail for debt.

This evolution is open to criticism from beginning to end from the standpoint of modern treatment of the criminal. Yet out of the second stage, viz., the use of the fine as a substitute for punishment, one may draw a helpful conclusion by saying that the principle is not so bad if we should conceive of the imposition of a penalty in the way of payment of money not absolutely but in relation to the offense; in other words, the principle of restitution.

Mr. Orchard's brief tracing of this development in the laws of Pennsylvania is a commendable piece of research. The gradual emancipation from the rule of imprisonment for debt in that commonwealth has come about in two stages. First, in 1887, county courts were permitted to discharge prisoners serving for fine only, as a matter of public economy. Secondly, in 1909, a plan of collection of fines under the parole system was inaugurated. The mercenary aspect of this development cannot be ignored. Apparently, the most forceful argument used for the parole system in Massachusetts, New York, Illinois and elsewhere is that it pays. Its supporters have even calculated the percentage of profit on the investment.

This study contains a deal of useful data on the fining system. For example, the following description of conditions in Pennsylvania:

"In the 67 counties of Pennsylvania are found almost 67 different methods of treating prisoners who are unable to pay their fines. In five counties there is an iron-clad rule: an offender is imprisoned for thirty days if his fine is less than fifteen dollars; if it is more, his imprisonment is fixed at ninety days. In other counties the offender may enter a plea of insolvency after ten or fifteen days. In some counties the prisoner is not detained unless he has been fined for certain specified offenses. Eleven counties believe that a man should be held one day for every dollar in the fine. In three counties he is held for ninety days and then permitted to enter a plea of insolvency. In another county, the plaintiff is detained for ninety days and then allowed to give note for the amount of his fine. Many counties report a brief or indefinite sentence, the

¹*The Fine System*. Issued by the Sub-Committee on Prison Reform, Philadelphia Yearly Meeting of Friends, 150 N. 15th Street, Philadelphia.

prisoner being released at the discretion of the court. As was noted above, one county places a prisoner on probation and allows him to pay his fine in installments."

This is a gross evil in the American system of treatment of crime, than which none may be more reasonably condemned on the grounds of injustice and of inefficiency. At the same time, it is prevalent universally. Zenas L. Potter says that seventy per cent. of offenders coming before the lower courts are disposed of by petty fines. I was told by an authority in Virginia recently, of a jail where all but one of nearly three hundred commitments were made in lieu of payment of fine. The solution recommended by Mr. Orchard is that we follow that part of the resolutions of the International Prison Congress of 1905 which suggests that the authority charged with the execution of judgment be given power to permit the payment of fines by installments or by public work.

One may draw the practical conclusion that we have here located a dangerous lesion in our system of treatment of crime. The fining practice is irrational, un-American, and foreign to modern humanitarian principles. It is so parasitic, and at the same time so permeating, that it ought to be made the object of a specific, country-wide reform, corresponding, for example, to the anti-tuberculosis movement. We do wrong to allow the evil longer to hide its ugly head behind problematical issues like bad jails and outworn legal procedure.

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Intoxication: How Proved.—Traffic Court Bulletin No. 1, by Frederick B. House, Presiding Magistrate, New York Traffic Court, is a ten page pamphlet, which contains a clear and concise exposition of the ten leading New York cases on the manner in which intoxication may be proved. Expert testimony is not necessary to establish intoxication; a witness may testify as to the defendant's appearance, conduct and language, and then express his opinion based on these facts whether or not the party was intoxicated, or the witness may directly state the fact of intoxication without going into details. This bulletin will be found of distinct practical value and helpfulness by lawyers and magistrates. The typographical arrangement of the pamphlet which was printed by Clarence S. Nathan, Inc., is excellent.

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